

REMARKS

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 15-16 and 19-20 have been canceled without prejudice. Claims 5-8, 10, 16, and 20 are indicated as having allowable material. Claims 1-14 and 17-18 are pending in this application.

Objection to the Drawings

The Examiner has objected to the drawings, specifically FIGURES 2, 4, 5, and 6 for having reference labels not mentioned in the specification. In response, Applicant have amended the specification to include references to labels 200, 400, 500, 600, 602, 603, and 605. As each identified instance of informality has been corrected with a corresponding proposed amendment, Applicant believes that the objection to the drawings has been overcome, and that this objection should be withdrawn.

Objection to the Specification

The specification is objected to in the Office Action, as requiring update of the current status of the referenced applications. The referenced application at page 1 of the specification has been amended the specification to include updated information with respect to the referenced applications. Thus, Applicant believes that the objection to the specification has been overcome, and that this objection should be withdrawn.

The specification stands objected to for informalities listed on pages 2-3 of the Office Action. In response, Applicant has amended the Figures and the specification to address the listed informalities. Each identified instance has been corrected with a corresponding amendment. No new matter has been entered. Thus, Applicant believes that the objection to the specification has been overcome, and that this objection should be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1-4, 9, 13-14, and 18-19 are rejected under 35 U.S.C. §102(b) as being anticipated by Burch ('137).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 USPQ.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 USPQ.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1 defines a method which has been amended to include emulating a storage drive with an emulator. Claims 3-4, 6-11, and 13 have been amended to correspond with the amendments of claim 1. Basis for this limitation exists in the specification and drawings as filed, for example see page 9, line 23 of the specification. No new matter has been entered. Burch does not disclose at least this limitation. Burch discloses emulating a microprocessor, e.g. see the Abstract. Burch does not disclose emulating a storage drive. Thus, Burch does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 14 has been amended with the subject matter of claims 15 and 16. Claim 16 has been indicated by the Examiner as having allowable subject matter. Therefore, the Applicant respectfully asserts that for the above reasons claim 14 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 18 has been amended with the subject matter of claims 19 and 20. Claim 20 has been indicated by the Examiner as having allowable subject matter. Therefore, the Applicant respectfully asserts that for the above reasons claim 18 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 2-4, 9, and 13 depend from base claim 1, and thus inherit all limitations of claim 1. Each of claims 2-4, 9, and 13 sets forth features and limitations not recited by Burch. Thus, the Applicant respectfully asserts that for the above reasons claims 2-4, 9, and 13 are patentable over the 35 U.S.C. § 102 rejection of record.

Rejection under 35 U.S.C. § 102

Claims 14-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Porter et al. ('563, hereinafter Porter).

Claim 14 has been amended with the subject matter of claims 15 and 16. Claim 16 has been indicated by the Examiner as having allowable subject matter. Therefore, the Applicant respectfully asserts that for the above reasons claim 14 is patentable over the 35 U.S.C. § 102 rejection of record.

Rejection under 35 U.S.C. § 103

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Burch in view of Christensen et al. ('942, hereinafter Christensen).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Burch does not teach providing a fault detect signal. The Office Action attempts to cure this deficiency by introducing Christensen, which the Office Action alleges to teach having such an element. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claim 1 is defined as described above. Burch does not disclose these limitations, as discussed above. Christensen is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claim 11 depends from base claim 1, and thus inherits all limitations of claim 1. Claim 11 sets forth features and limitations not recited by the combination of Burch and

Christensen. Thus, the Applicant respectfully asserts that for the above reasons claim 11 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Rejection under 35 U.S.C. § 103

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Burch in view of Heyman ('864).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Burch does not teach dynamically detecting a connection. The Office Action attempts to cure this deficiency by introducing Heyman, which the Office Action alleges to teach having such an element. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claim 1 is defined as described above. Burch does not disclose these limitations, as discussed above. Heyman is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claim 12 depends from base claim 1, and thus inherits all limitations of claim 1. Claim 12 sets forth features and limitations not recited by the combination of Burch and Heyman. Thus, the Applicant respectfully asserts that for the above reasons claim 12 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Rejection under 35 U.S.C. § 103

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Burch.

Claim 17 depends from base claim 14, and thus inherits all limitations of claim 14. Claim 14 has been amended with the subject matter of claims 15 and 16. Claim 16 has been indicated by the Examiner as having allowable subject matter. Therefore, the Applicant respectfully asserts that for the above reasons claim 17 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Conclusion

The Examiner is thanked for the indication that claims 5-8, 10, 16 , and 20 include allowable subject matter.

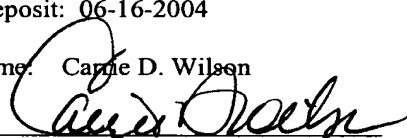
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10002221-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482734823US in an envelope addressed to: MS Amendments, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313.

Date of Deposit: 06-16-2004

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Attachments